

1 THOMAS G. FOLEY, JR. Bar No. 065812  
2 JUSTIN P. KARZAG, Bar No. 223764  
3 FOLEY BEZEK BEHLE & CURTIS, LLP  
4 15 West Carrillo Street  
5 Santa Barbara, California 93101  
6 Telephone (805) 962-9495  
7 Facsimile (805) 965-0722  
8 Email: [tfoley@foleybezek.com](mailto:tfoley@foleybezek.com)

9 RICHARD E. DONAHOO Bar No. 186957  
10 DONAHOO & ASSOCIATES  
11 505 North Tustin Avenue, Suite 160  
12 Santa Ana, California 92705  
13 Telephone (714) 953-1010  
14 Facsimile (714) 953-1777  
15 Email: [rdonahoo@donahoo.com](mailto:rdonahoo@donahoo.com)

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 GABE BEAUPERTHUY, et al. ,

14 Plaintiffs,

15 v.

16 24 HOUR FITNESS USA, INC., a  
17 California corporation dba 24 HOUR  
18 FITNESS; SPORT AND FITNESS  
19 CLUBS OF AMERICA, INC., a California  
20 corporation dba 24 HOUR FITNESS,

Defendants.

Case No. C 06 0715 SC

**STIPULATION AND ~~PROPOSED~~ ORDER  
EXTENDING PRETRIAL DEADLINES AND  
INCREASING THE NUMBER OF  
DEPOSITIONS**

21 **RECITALS**

- 22
- 23 A. Plaintiffs have noticed 9 depositions of 24 Hour Fitness and its management,
- 24 B. Plaintiffs have served two sets of document demands,
- 25 C. Defendants have produced 200,000 pages of documents,
- 26 D. Defendants have produced witnesses for two depositions and are attempting to
- 27 schedule the others for convenient dates,
- 28 E. Payroll information is being sought from third party vendors,

F. The parties have outstanding disputes concerning discovery requests and obligations and electronic data and information produced in a streamlined and useful manner,

G. No trial date has yet been set,

H. To allow the parties to resolve their disputes and to complete discovery, the parties seek an Order from this Court extending the discovery cut-off and pretrial deadlines by approximately 90 days and also seek to increase the number of deposition that may be taken from 10 per side to 25 per side.

I. The parties are meeting and conferring to see if they can arrive at a mutually agreeable procedure for sampling. Defendants will schedule depositions of appropriate named plaintiffs or other class members once the parties have agreed, or failed to agree, on a sampling procedure.

#### STIPULATION

1. The parties hereby stipulate that the following pretrial dates and discovery cut-off deadline as originally set in the Court's Civil Minutes dated November 14, 2008, be modified as follows and request an Order from the Court making it so:

DEADLINE	OLD DATE	NEW DATE
Non-Expert Discovery Cutoff	7/31/09	10/30/09
Expert Designations	8/31/09	11/30/09
Expert Discovery Cutoff	11/13/09	02/15/10
Last Day to File Dispositive Motions	12/01/09	03/01/10

2. In addition, the parties stipulate that the number of non-expert depositions available to each side be increased from 10 to 25, without prejudice to the parties stipulating to further increase the number or to allow either side to move the Court to further increase the number.

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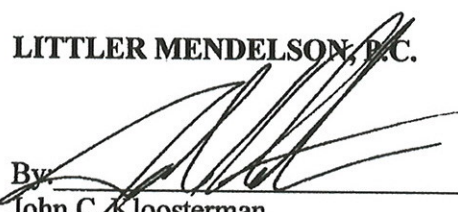
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**SO STIPULATED:**

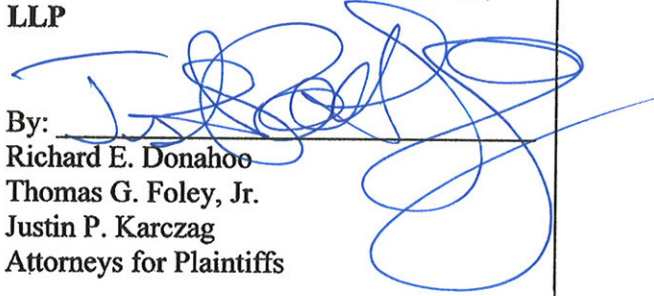
Dated: May 26, 2009

**LITTLER MENDELSON, P.C.**

By:   
John C. Kloosterman  
Lisa C. Chagala  
Littler Mendelson, P.C., Attorneys for  
Defendant

Dated: May 26, 2009

**DONAHOO & ASSOCIATES  
FOLEY BEZEK BEHLE & CURTIS,  
LLP**

By:   
Richard E. Donahoe  
Thomas G. Foley, Jr.  
Justin P. Karczag  
Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT,

1. The current pretrial dates and discovery cutoff deadline be vacated and reset on the new dates, as set forth below:

DEADLINE	OLD DATE	NEW DATE
Non-Expert Discovery Cutoff	7/31/09	10/30/09
Expert Designations	8/31/09	11/30/09
Expert Discovery Cutoff	11/13/09	02/15/10
Last Day to File Dispositive Motions	12/01/09	03/01/10

2. The deposition limit is increased to 25 depositions per side without prejudice to a joint request by both parties or a motion by one of the parties for a further increase.

Dated: May 28, 2009

Hon. Samuel Conti

